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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO

UNITED STATES OF AMERICA, }

Plaintiff, }

v. }

KENNETH JOHN FREEMAN, }

Defendant. }

NO. CR-07-6008-LRS-1

DEFENDANT FREEMAN'S  
CLARIFICATIONS AND  
OBJECTIONS TO PRE-  
SENTENCE REPORT

DEFENDANT, KENNETH JOHN FREEMAN, by and through his  
attorney, CARL J. ORESKOVICH of ETTER, McMAHON, LAMBERSON,  
CLARY & ORESKOVICH, P.C., submits his clarifications and objections  
to the PSR dated February 9, 2009. By way of background, defense  
counsel and United States Sentencing Guidelines Specialist, Brenda

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2 Challinor, have discussed the PSR and Ms. Challinor has made certain  
3 changes. The following is a list of objections and clarifications on issues  
4 upon which we did not agree:

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6 **A. Factual Errors or Omissions**

7       1. At paragraph 26, pages 12 through 14 of the PSR, the United  
8 States Probation Officer summarizes the report of interview of victim  
9 KNF. The Defendant understands that the Probation Officer is merely  
10 summarizing the report of the interview as related by KNF. The  
11 Defendant asserts that some of the information provided by KNF, as  
12 reported in paragraph 26 of the PSR, is inaccurate or untrue. The  
13 Defendant has specifically admitted facts that form the factual basis for  
14 his plea at paragraph 5 (pages 8 through 14 of the Plea Agreement,  
15 dated December 17, 2008). The Defendant objects to factual content in  
16 the reported interview contained at paragraph 26, pages 12 through 15  
17 of the PSR, to the extent they are different than the factual basis for the  
18 plea, at paragraph 5 of the Plea Agreement.

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22       2. Paragraph 43, page 18, again, this is a statement that is  
23 attributed to victim KNF. The Defendant again asserts that he did not  
24 have anal sex, nor did he take still pictures.

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27       3. Paragraph 63, page 21, the Defendant objects to the  
28 characterization that he does not appear to be able to feel empathy for  
29 his victims. As will be demonstrated at the time of sentencing during the  
30 Defendant's right of allocution, the Defendant is, in fact, remorseful and  
31 empathic to victim KNF.

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4. Paragraph 88, page 24, and paragraph 96, page 25, the

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2 Defendant objects to the statement that he remained at large with the aid  
3 of his wife at the time. The Defendant asserts that he left the country on  
4 his own, without the assistance or aid of his wife, remained at large,  
5 without the aid of his wife, and while at large contacted his wife. In  
6 summary, the Defendant's flight from prosecution was without the aid or  
7 assistance of his wife.  
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10 5. Paragraph 182, page 38, once the sexual abuse was  
11 terminated in January, 2001, the Defendant did not make sexual remarks  
12 or emotionally abuse KNF, nor did he seek to involve KNF in a casual  
13 sexual encounter with an adult woman.  
14

15 6. Paragraph 186, page 39, please see response to Paragraph  
16 63, page 21, at paragraph 3 herein.  
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18 RESPECTFULLY SUBMITTED this 16<sup>th</sup> day of March, 2009.

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20 ETTER, McMAHON, LAMBERSON,  
21 CLARY & ORESKOVICH, P.C.  
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23 By/s/ Carl J. Oreskovich  
24 CARL J. ORESKOVICH, WSBA 12779  
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CERTIFICATE OF SERVICE

I hereby certify that on the 16<sup>th</sup> day of March, 2009, I electronically filed the following document:

**Defendant Freeman's Clarifications and Objections to  
Presentence Report**

with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

**Stephanie Joyce Lister**  
[USAWAE.SListerECF@usdoj.gov](mailto:USAWAE.SListerECF@usdoj.gov)

/s/Carl J. Oreskovich  
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[Q:\Carl\Carl's E&M Client Files\Freeman, Kenneth John (4449)\  
Pleadings\Def's Clarifications and Objection to PSR.3.16.09.doc]